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10/566,270	01/30/2006	Tsutomu Fukuda	285291US0PCT	1695
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			LI, JUN	
			ART UNIT	PAPER NUMBER
			1793	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/566,270	FUKUDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUN LI	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 February 2010.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,4-6 and 12-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,4-6 and 12-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**1. Claim 1, 5-6, 12-16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US4483940) in view of Buscaglia et al (Journal of Materials Science 1996, 31: 5009-5016) and Fukuda et al (JP 2002-145659).**

Ono teaches a honeycomb carrier supporting a honeycomb catalyst for usage in internal combustion engines including treating exhaust gases (abstract, column 1 lines 24-26), wherein the honeycomb carrier can be any of the ceramic honeycomb carrier including aluminum titanate magnesia etc. ( i.e. aluminum magnesium titanate) (column 8 lines 39-45).

Regarding claim 1 and 21-22, Ono fails to specifically teach the component of the honeycomb carrier is a sintered product containing Mg, Al, Ti containing compound with an empirical formula  $Mg_xAl_{2(1-x)}Ti_{(1+x)}O_5$  ( $0 \leq x \leq 1$ ) and with addition of alkali feldspar represented by  $(Na_yK_{1-y})AlSi_3O_8$  (wherein  $0 \leq y \leq 1$  ).

Buscaglia clearly teaches decomposition of aluminum titanate imposed a serious limitation to its practical applicant (page 5009 left column last para.) and such decomposition can be controlled by addition of MgO (page 5010 first para.) Buscaglia discloses after 240 h annealing at 1100 °C, solid solution of aluminum magnesium titanate with magnesium mol amount from  $0.2 \leq x \leq 0.6$  showing only limited decomposition (7-15%). Buscaglia also indicates that long term stability of aluminum

magnesium titanate are desired (page 5010 last 2 para.) and that when Mg's mol percentage is 0.6, there is no decomposition for aluminum magnesium titanate after 250 hr treatment at temperature from 900-1175 °C (page 5013 Table 1). Buscaglia also indicates that decomposition ratio is depending on Mg's mol percentage and the solid solution aluminum magnesium titanate's annealing temperature (page 5013 first para., Table 1). It would have been obvious for one of ordinary skill in the art to adopt a proper Mg amount and annealing temperature for providing a long term stable aluminum magnesium titanate as suggested by Buscaglia.

It would have been obvious to one ordinary skill in the art at the time of invention filed to adopt a magnesium stabilized aluminum titanate compound as shown by Buscaglia (page 5013 Table 1) to practice the honeycomb carrier of Ono because Ono needs a specific aluminum magnesium titanate without specific describing one while Buscaglia provides an aluminum magnesium titanate with improved long term thermal stability.

Fukuda teaches using 1-15 parts by weight of alkali feldspar ( $(Na_xK_{1-x})AlSi_3O_8$ ,  $0 \leq x \leq 1$ ) to increase the mechanical strength and stability of aluminum titanate based sintered compact at 1400-1700 °C (abstract, machine translated detailed description page 3 paragraph [0012]). Fukuda further teaches that adding the alkali feldspar can control the grain growth of the sintered compact (machine translated detailed description page 3 paragraph [0014]), achieve a high mechanical, high stability at high temperature (i.e. high thermal stability), low thermal expansion and a stabilizing crystal structure wherein the obtained product can be used stably at high temperature about

1600 °C hundreds of times (abstract, machine translated detailed description page 5 paragraph [0025]).

It would have been obvious to one ordinary skill in the art at the time of invention filed to adopt the alkali feldspar of Fukuda to improve the aluminum titanate product because addition of alkali feldspar can improve the mechanical strength, corrosion resistance, thermal stability of the aluminum titanate as shown by Fukuda. Furthermore, to one of ordinary skill in the art it would have been obvious to combine the known elements such as magnesium stabilizer as shown by Buscaglia and alkali feldspar as shown by Fukuda to improve the aluminum titanate for making a desired aluminum magnesium titanate as a honeycomb carrier support for intended uses including internal combustion engines such as automobiles for treating their exhaust gases and depriving them of air pollutants such as nitrogen oxides, carbon monoxides as indicated by Ono (column 1 lines 24-27) and Fukuda (machine translated detailed description page 5 paragraph [0025],[0026]) because magnesium can help improve thermal stability as suggested by Buscaglia and alkali feldspar can help improve mechanical strength, thermal stability as suggested by Fukuda and combining known elements for predictable results is well within the scope of one ordinary skill in the art.

Ono in view of Buscaglia and Fukuda is silent about the recited remaining  $\beta$  ratio difference, however, Ono in view of Buscaglia and Fukuda already teaches a substantially similar composition with desired long term thermal stability, and thus similar property such as the recited  $\beta$  remaining ratio difference in the instant claim is expected. Furthermore, both Buscaglia and Fukuda respectively teaches addition of

magnesium and alkali feldspar can help increasing aluminum titanate long term thermal stability as discussed above, thus the recited difference of such ratio (thermal stability) between aluminum titanate and aluminum titanate magnesium in the instant claims are thus expected results associated with addition of such elements.

Regarding claims 5 and 6, Ono teaches using an alkali metal cerium (Ce) (Example 16, column 13 lines 61-62, Example 18, column 14 line 44) to remove nitrogen oxides  $\text{NO}_x$  from combustion gas burned in a cylindrical combustion apparatus where an air-methane mixed gas containing 3% methane was introduced into and burned (column 17 lines 14-22). The corresponding catalyst activity for removing NO is shown in Table 6 (column 17-18).

Regarding claim 12 -13 and 16, the recited y and weight range of the alkali feldspar and the recited temperature firing temperature discussed above overlaps with the prior arts, a prima facie case of obviousness exists (See § MPEP 2144.05 [R-5] I).

Regarding claim 14-15, Fukuda further teaches the raw mixture containing  $\text{TiO}_2$  and  $\text{Al}_2\text{O}_3$  and alkali feldspar can be grinded to suitable particle diameter, such as to about 1  $\mu\text{m}$  or less. Fukuda also suggests that there is no particular need about the grade of grinding of a raw material ([0015], [0016]). Thus the recited size is just an obvious modification over the prior art. Furthermore, MPEP points out changes in sizes over prior art cannot make the invention patentable distinct (See § MPEP 2144.04 [R-6] IV).

Regarding claim 18 -20, Fukuda further teaches the sintered compact with addition of alkali feldspar has outstanding erosion proof and corrosion resistance [0025]

last 5 lines). It is to be noted that similar composition and similar method of for making a recited honeycomb carrier composition as in the instant applications have been fully disclosed in the applied prior arts, thus similar corrosion resistance associated with addition of alkali feldspar is expected from prior arts' teachings.

**2. Claim 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US4483940) in view of Buscaglia et al (Journal of Materials Science 1996, 31: 5009-5016) and Fukuda et al (JP 2002-145659) as applied to 1, 5-6, 12-16, 18-22, and further in view of Noda (US2001/0056034).**

Regarding claim 4, Ono in view of Buscaglia and Fukuda has been described as above.

Ono further teaches that the cell density of the honeycomb carrier is 300cells/square inch (equals to 46.15 cells/cm<sup>2</sup>), reading to the recited limitation of cell density within 15-124cells/ cm<sup>2</sup>). Ono also teaches that the thermal expansion of the aluminum titanate magnesium is less than  $0.3 \times 10^{-6} \text{ K}^{-1}$ , which overlaps with the thermal expansion coefficient of the instant claim. MPEP clearly states that in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a *prima facie* case of obviousness exists. See MPEP §2144.05 [R5]. It is also noted that the thermal expansion coefficient is a determined physical property with a compound from chosen materials. Since the honeycomb carrier material is an obvious modification over prior art, thus the associated thermal expansion coefficient is also expected.

Ono in view of Buscaglia and Fukuda fails to expressly teach that the honeycomb carrier has a wall thickness from 0.05-0.6mm, and the porosity of the partition wall is 20-50%.

Noda teaches that the honeycomb carrier made from aluminum titanate with addition of Mg can have a porosity of 5-50%, preferably 10-40% (page 2 paragraph [0014]), which reads onto the recited limitation of porosity of 20-50% in the instant claim

4. Noda indicates that probably porosity is needed to maintain probable honeycomb carrier strength and suppresses the diffusion of alkali metal or alkaline earth metal catalyst into the carrier ((page 2 paragraph [0014])). Noda further teaches that a wall thickness of 0.05-0.1mm with a cell density 62-139.5 cells/cm<sup>2</sup>(page 2 paragraph [0023]), reading into the recited limitation of the partition wall thickness of 0.05-0.6mm and cell density 15-124 cells/cm<sup>2</sup> in the instant claims. Noda also indicates that probable porosity and cell density can ensure good cell structure of honeycomb carrier with good bending strength and thermal expansion coefficient (less than  $3.0 \times 10^{-6} \text{ K}^{-1}$ ) for effectively purifying NO<sub>x</sub> from exhaust gas (page 3 table 1, paragraph [0028]).

It would have been obvious to one ordinary skill in the art at the time of the invention filed to adopt the porosity and cell density of Noda to improve the honeycomb carrier structure of the combined references. One ordinary skill in the art would have been motivated to do so because probable porosity and cell density can ensure good cell structure of honeycomb carrier with good bending strength and thermal expansion coefficient to effectively purify NO<sub>x</sub> from exhaust gas (page 3 table 1, paragraph [0028]) and probable porosity can well suppresses alkali metal or alkaline earth metal catalyst

into the carrier to ensure the durability of the catalyst (page 2 paragraph [0014] and page 3 paragraph [0029] lines 5-12).

Regarding claim 17, Ono in view of Buscaglia and Fukuda fails to expressly teach the catalyst comprising potassium.

Ono further teaches alkali metals can be used as honeycomb carrier supported catalyst component (column 2 lines 53-58) and Noda further teaches alkali metals including K can be used as catalyst (page 1 [0004]).

One of ordinary will have been obvious to use potassium as the catalyst component for purifying exhaust gas as shown by Noda because potassium is one of well known alkali metal catalyst component used in the art as shown by Noda and adopting known technique for improving efficiency of similar method/product is well within the scope of one ordinary skill in the art.

### ***Response to Arguments***

Applicant's arguments filed on 02/18/2010 have been fully considered but they are not persuasive.

In response to applicant's argument, Ono fails to specifically teach the honeycomb carrier with the recited aluminum magnesium titanate formula with addition of alkali feldspar, Ono teaches aluminum magnesium titanate can be used as honeycomb carrier, Buscaglia teaches magnesium can be used as a stabilizer for improving thermodynamic stability of aluminum titanate and Fukuda teaches addition of alkali feldspar can improve the thermal stability, mechanical strength and corrosion

resistance of aluminum titanate, thus the improved thermal stability due to addition of magnesium (Ex 2-1 as compared to Ex 2-2 shown in Fig 2, Ex1-1 as compared to Ex2-1 Fig 3 affidavit) and the improved thermal stability due to addition of alkali feldspar (Ex2-1 as compared to comparative Ex2-1 Fig 2, and Ex1-1 with comparative example 1-1 Fig 3 in affidavit) are all expected from the prior arts' teachings.

Buscaglia clearly teaches addition of Mg can help stabilize aluminum titanate wherein when Mg's mol percentage is 0.6, there is no decomposition for aluminum magnesium titanate after 250 hr treatment at temperature from 900-1175 °C (Table 1). Buscaglia also indicates that decomposition ratio is depending on Mg's mol percentage and the solid solution aluminum magnesium titanate's annealing temperature (page 5013 first para., Table 1) wherein a long term thermal stability is desired for aluminum titanate related material's practical application. Thus to one of ordinary skill in the art it would have been obvious to adopt a proper Mg amount and a proper annealing temperature for making a long term thermal stable aluminum magnesium titanate for intended uses such as honeycomb carrier in internal exhaust gas treatment. Buscaglia also teaches after 240 h annealing at 1100 °C, solid solutions with  $0.2 \leq x \leq 0.6$  showed only limited decomposition (7-15%). Thus the recited improved long term thermal stability (i.e. remaining beta-ratio difference) is just an expected feature associated with the addition of Mg between example 2-2 and 2-1 in Fig .2 as suggested by the prior arts. To one of ordinary skill in the art it would have been obvious to adopt a proper Mg mol percentage with desired long term thermal stability as shown by Buscaglia. Fukuda already teaches addition of alkali feldspar can help provide a stable aluminum titanate for long

time usage at temperature as high as 1600 °C ([0025]). Noda teaches a catalyst carrier material can be aluminum titanate with addition of magnesium ([0012]) and a probable catalyst carrier wall thickness and porosity is needed for catalyst's good performance and the catalyst can include potassium as set forth in the rejections. Ono teaches honeycomb carrier material can be different types of modified aluminum titanate including aluminum magnesium titanate as set forth in the rejection. It would have been obvious to one of ordinary skill in the art to combine known elements such as magnesium taught by Buscaglia and alkali feldspar as taught by Fukuda to make an improved aluminum magnesium titanate as a honeycomb carrier because magnesium can help improve thermal stability and alkali feldspar can help improve mechanical strength, thermal stability.

One would have been motivated to combine these references and make the modifications because they are drawn to same technical fields, constituted with same ingredients and share common utilities, and pertinent to the problem which applicant is concerned.

Therefore, a substantially similar composition as disclosed by the prior arts will have substantially similar properties as recited in the instant claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN LI whose telephone number is (571)270-5858. The examiner can normally be reached on Monday-Friday, 8:00am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUN LI/  
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03/23/2010

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